

Bartolo Mullen
2100 Napa Vallejo Hwy.
Napa, CA 94558
In pro se

FILED

2008 JAN 23 P 3:15

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

NC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Jose Division

BARTOLO MULLEN,

Plaintiff,

v.

ED FOULK, et al.,

Defendants.

Case No. C 07-6250 RMW (PR)

**RESPONSE TO ORDER GRANTING
LEAVE TO PROCEED IN FORMA
PAUPERIS.**

I the Plaintiff recently received the "Order Granting Leave to Proceed in Forma Pauperis" dated January 15, 2008, and I am writing to inform the Court that in view of the Court order issued on December 19, 2007, granting me leave to file a second amended complaint in Case No. C 03-3676 RMW (PR), I mailed the Court a pleading in Case No. C 03-3676 RMW (PR) on or about December 25, 2007, to ask the Court for clarification on what to do about Case No. C 07-6250 RMW (PR), that had not yet been filed at that time.

In the said pleading that I mailed to the Court in Case No. C 03-3676 RMW (PR) on or about December 25, 2007, I explained I had recently mailed the Court a new and additional Title 42 U.S.C.A. § 1983 Complaint (Case No. C 07-6250 RMW (PR)) alleging civil rights violations committed by different and additional defendants at my place of confinement before I received the Court's order granting me leave to submit a second amended complaint in Case No. C 03-3676 RMW (PR). I further explained that the December 25, 2007 order granting me leave to submit a second amendment in Case No. C 03-3676 RMW (PR) and add additional defendants obviates the need for me to file the new Title 42 U.S.C.A. § 1983 Complaint (Case No. C 07-6250 RMW (PR)) because I

1 can now add the additional defendants and the new and additional violations in the
2 second amended complaint instead of needing a new complaint to do so.

3 I subsequently completed the second amendment in Case No. C 03-3676 RMW
4 (PR), and I included the new additional defendants and I added the new and additional
5 allegations to Case No. C 03-3676 RMW (PR). Consequently, it now appears that there is
6 no need for me to pursue Case No. C 07-6250 RMW (PR).

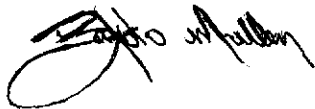
7 Therefore, I respectfully request the Court to please advise me on how to proceed
8 at this juncture.

9 I declare under penalty of perjury that the foregoing is true and correct to the best
10 of my knowledge, information, and belief.

11 Respectfully submitted,

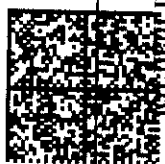
12 Bartolo Mullen

Dated: 1/21/08

13 

Danny Atterbury
2100 Napa Vallejo Hwy.
Napa, CA 94558

NSH Mailroom, please stamp legal mail for
\$12.50 Client.



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Office of the Clerk, U.S. District Court
Northern District of California
280 South First Street, Room 2112
San Jose, California 95113-3095

LEGAL MAIL

(Mailed on 21-Jan-08.)

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